

United States Court of Federal Claims

SPACE EXPLORATION
TECHNOLOGIES CORP.,

No. 14-354-C

Plaintiff,

v.

Judge: Braden

THE UNITED STATES,

Defendant,

and

UNITED LAUNCH SERVICES, LLC.

Defendant-Intervenor.

APPLICATION FOR ACCESS TO INFORMATION UNDER PROTECTIVE ORDER BY EXPERT CONSULTANT OR WITNESS

1. I, the undersigned, am a Consultant with The Kenrich Group LLC and hereby apply for access to protected information covered by the Protective Order issued in connection with this proceeding.

2. I have been retained by Charles J. Cooper, Cooper & Kirk PLLC and will, under the direction and control of that attorney, assist in the representation of United Launch Services, LLC in this proceeding.

3. I hereby certify that I am not involved in competitive decision making as discussed in *US. Steel Corp. v. United States*, 730 F.2d 1465 (Fed. Cir. 1984), for or on behalf of any party to this proceeding or any other firm that might gain a competitive advantage from access to the information disclosed under the protective order. Neither I nor my employer provides advice or participates in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means, for example, that neither I nor my employer provides advice concerning, or participates in decisions about, marketing or advertising strategies, product research and development, product design or competitive structuring and composition of bids, offers, or proposals with respect to which the use of protected information could provide a competitive advantage.

4. My professional relationship with the party for whom I am retained in this proceeding and its personnel is strictly as a consultant on issues relevant to the proceeding. Neither I nor any member of my immediate family holds office or a management position in any company that is a party in this proceeding or in any competitor or potential competitor of a party.

5. I have attached the following information:

- a. a current resume describing my education and employment experience to date;

See Attachment A

- b. a list of all clients for whom I have performed work within the two years prior to the date of this application and a brief description of the work performed;

See Attachment B

- c. a statement of the services I am expected to perform in connection with this proceeding;

See Attachment C

- d. a description of the financial interests that I, my spouse, and/or my family has in any entity that is an interested party in this proceeding or whose protected information will be reviewed; if none, I have so stated;

See Attachment D

- e. a list identifying by name of forum, case number, date, and circumstances all instances in which I have been granted admission or been denied admission to a protective order, had a protective order admission revoked, or have been found to have violated a protective order issued by an administrative or judicial tribunal; if none, I have so stated; and

See Attachment E

- f. a list of the professional associations to which I belong, including my identification numbers.

See Attachment F

6. I have read a copy of the Protective Order issued by the court in this proceeding. I will comply in all respects with all terms and conditions of that order in handling any protected information produced in connection with the proceeding. I will not disclose any protected information to any individual who has not been admitted under the Protective Order by the court.

7. For a period of five years after the date this application is granted, I will not engage or assist in the preparation of a proposal to be submitted to any agency of the United States government for Space Launch Vehicle Services when I know or have reason to know that any party to this proceeding, or any successor entity, will be a competitor, subcontractor, or teaming member.

8. For a period of five years after the date this application is granted, I will not engage or assist in the preparation of a proposal or submission for Space Launch Vehicle Services nor will I have any personal involvement in any such activity.

9. I acknowledge that a violation of the terms of the Protective Order may result in the imposition of such sanctions as may be deemed appropriate by the court and in possible civil and criminal liability.

* * *

By my signature, I certify that, to the best of my knowledge, the representations set forth above (including attached statements) are true and correct.


Signature

September 09, 2014
Date Executed

Steven J. Echenique, Senior Consultant
Typed Name and Title

1919 M Street, NW Suite 620
Washington, DC 20036
Mailing Address

(202) 420-7697
Direct Dial Telephone Number

(202) 429-5673
Facsimile Number

sechenique@kenrichgroup.com
E-mail Address


Signature

September 09, 2014
Date Executed

Charles J. Cooper, Attorney
Typed Name and Title

1523 New Hampshire Avenue, NW
Washington, DC 20036
Mailing Address

(202) 220-9660 & (202) 220-9601
Telephone & Facsimile Number

ccooper@cooperkirk.com
E-mail Address

Application by Steven J. Echenique for Access to Material Under a Protective Order

Attachment A – Current resume describing my education and employment experience to date;

Attachment B – List of all clients for whom I have performed work within the 2 years prior to the date of this application, and a brief description of the work performed;

Attachment C – Statement of the services I am expected to perform in connection with this protest;

Attachment D – Description of the financial interests that I, my spouse, and/or my family has in any entity that is an interested party in this action or whose protected material will be reviewed; if none, I have so stated;

Attachment E – List identifying by name of forum, case number, date, and circumstances all instances in which I have been granted admission or been denied admission to a protective order, or had a protective order admission revoked, or been found to have violated a protective order issued by GAO or by an administrative or judicial tribunal; if none, I have so stated; and

Attachment F – Statement of the professional associations to which I belong, including membership numbers.

ATTACHMENT A

RESUME FOR STEVEN J. ECHENIQUE

Steven Echenique is a Senior Consultant in the Washington DC office of The Kenrich Group LLC. Steven joined The Kenrich Group LLC after graduating from the University of Notre Dame. At The Kenrich Group LLC, he has performed damages analysis and litigation support for government contract, utility, and construction cases.

Client And Industry Experience

Steven's experience includes accounting, economic, and financial analyses including commercial damages investigations, lost profits disputes, breaches of contract, accounting investigations, construction disputes, fraud investigations, benchmarking, cost overruns and others.

Steven has also provided consulting services in support of settlement negotiations, arbitrations, and expert reports.

Selected Experience

Utility Regulation And Utility Construction

Steven analyzed accounting information databases, public financial reporting statements, and internal budget documents in order to conduct damages valuations and other financial analyses for multiple nuclear utility clients in an on-going dispute with the federal government. He assisted in the preparation of rebuttal testimony to support the utility in settlement negotiations. He also prepared annual cost submissions provided to the U.S. Department of Energy for settled utilities.

Steven assisted in the calculations of commercial damages and shutdown costs for a nuclear power plant in its dispute with a vendor. He also determined the ability to sell the various stages of nuclear fuel inventories as a result of the shutdown.

Steven assisted in the review of opposing experts' workpapers and supported the preparation of rebuttal testimony regarding cost overruns on an uprate project.

Construction

Steven assisted Kenrich expert in the preparation for his deposition. He reviewed various contracts and invoices for evidence of incomplete scope.

The Kenrich Group LLC

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Education, Certifications and Honors

- University of Notre Dame
*Bachelors Of Business Administration
in Finance & Economics*
- *Chartered Financial Analyst Candidate*

Professional Associations

- CFA Institute

ATTACHMENT A
RESUME FOR STEVEN J. ECHENIQUE

He also researched various power plant construction projects in the U.S and analyzed the duration of the projects. Steven summarized the key attributes of each construction project to determine the relevance of the project as a benchmark.

Government Contracts

Steven assisted in the analysis of budget overruns and the misallocation of hours for shipbuilding projects. He analyzed timesheets and Design Change Notice Logs to summarize reasons for cost overruns in various sections of ships. Steven reviewed employee timesheets and helped determine the quantity of misappropriated hours based on job codes and work descriptions. He also assisted in the preparation of support packages for employee interviews that were suspected of misallocating hours.

ATTACHMENT B
CLIENT LIST FOR STEVEN J. ECHENIQUE

CLIENT	DESCRIPTION OF WORK PERFORMED
Drinker Biddle & Reath LLP [<i>Aker Philadelphia Shipyard</i>]	Analyze causes of delays in two shipbuilding projects.
McElroy, Deutsch, Mulvaney & Carpenter, LLP [<i>Alstom – Iatan Power Plant</i>]	Assist a contractor in preparing acceleration and lost productivity claims against their insurance policy.
American Electric Power [<i>Indiana Michigan</i>]	Prepare annual cost submission for the DOE settlement.
Pepper Hamilton LLP [<i>Bechtel – American Muni Power Generating Station</i>]	Assist in damages calculation.
Davis Graham & Stubbs LLP [<i>BP v. AmeriGas</i>]	Provide an expert opinion as to reasonable contractor overhead and profit.
Capital Car [<i>Samuel Fishman</i>]	Investigate financial transactions for fraudulent activity.
Energy Northwest	Assist with a damage claim against the U.S. Department of Energy regarding spent nuclear fuel storage issues.
Stephen L. Golan [<i>Field v. Golan</i>]	Investigate financial transactions to defend client against a lawsuit.
Smith Pachter McWhorter PLC [<i>Fluor Federal Solutions LLC</i>]	Analyze delay and disruption related to an REA submitted to the government.
Gotham v. Phoenix	Analyze cost overruns and delays in a hotel/office building construction project.
Massey & Gail [<i>HealthEdge</i>]	Investigate financial transactions for fraudulent activity.
Hughes Hubbard & Reed LLP [<i>Huntington Ingalls</i>]	Internal investigation regarding labor costs.

ATTACHMENT B
CLIENT LIST FOR STEVEN J. ECHENIQUE

CLIENT	DESCRIPTION OF WORK PERFORMED
Jorge Scientific Corporation	Analyze labor charging and subsequent billings to the Government.
Kubasiak, Fylstra, Thorpe & Rotunno, P.C. <i>[Las Olas Holding Company]</i>	Analyze contract of restaurant and assist in determining breach of contract.
Dorsey & Whitney LLP <i>[Kvaerner North American Construction Inc]</i>	Analyze project delays and cost overruns.
McHugh – Elysian Hotel	Determine the root causes and effects of delays in a large mixed-use building.
Howrey LLP <i>[City Center Land LLC]</i>	Analyze contracts and invoices to support expert witness in preparation for deposition.
Microsoft Corporation	Provide consulting services related to timekeeping.
Brigg and Morgan <i>[Xcel Energy Inc]</i>	Analyze costs during a nuclear power plant uprate project.
Nebraska Public Power District	Prepare annual cost submission for the DOE settlement.
Southern California Edison	Assist in the determination of damages resulting from the failure of a brand new steam generator.
Southern Nuclear Operating Company <i>[Alabama Power Company]</i>	Assist with a damage claim against the U.S. Department of Energy regarding spent nuclear fuel storage issues.
Wilmer Cutler Pickering Hale and Dorr LLP <i>[URS Corporation]</i>	Review and reprice certified claims developed by URS. Perform cost and schedule analysis.

ATTACHMENT C
STATEMENT OF SERVICES

I have been retained to assist outside counsel for United Launch Services, LLC with respect to bid protest proceedings. My assistance is expected to include the review and analysis of proposal and evaluation materials, including cost or pricing data, and other documents related to the contract, and to provide findings and opinions to counsel related to cost and pricing issues in the bid protest.

ATTACHMENT D
SUMMARY OF RELEVANT FINANCIAL INTERESTS FOR STEVEN J. ECHENIQUE

I, Steven J. Echenique and family do not hold financial interests in any entity that is an interested party in this action or whose protected material will be reviewed. This statement does not pertain to mutual funds or other financial vehicles, which may be held by me or my family, for which the owner does not have control over individual purchases of securities. I am not married.

ATTACHMENT E
PROTECTIVE ORDER HISTORY FOR STEVEN J. ECHENIQUE

In May 2011, I, Steven J. Echenique signed an application for access to materials subject to a protective order to provide consulting services to assist Indiana Michigan Power Company with their dispute against the United States of America. See Civil action 98-486C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In May 2011, I, Steven J. Echenique signed an application for access to materials subject to a protective order to provide consulting services to assist Southern Nuclear Operating Company with their dispute against the United States of America. See Civil action 98-614C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In May 2011, I, Steven J. Echenique signed an application for access to materials subject to a protective order to provide consulting services to assist Energy Northwest with their dispute against the United States of America. See Civil action 11-447C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In May 2011, I, Steven J. Echenique signed an application for access to materials subject to a protective order to provide consulting services to assist Entergy Corporation with their disputes against the United States of America. See Civil actions 03-2624C, 03-2623C, 03-2622C, 03-2627C, 03-2626C, 03-2621C, and 11-511C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

In May 2011, I, Steven J. Echenique signed an application for access to materials subject to a protective order to provide consulting services to assist Nebraska Public Power District with their dispute against the United States of America. See Civil action 01-116C in the United States Court of Federal Claims. I received access to materials subject to the protective order.

I have never been denied admission to a protective order, had a protective order revoked or been found to have violated a protective order by the U.S. Court of Federal Claims, the General Accounting Office, the General Services Administration, a Board of Contract Appeals or by any other administrative or judicial forum.

ATTACHMENT F
PROFESSIONAL ASSOCIATION SUMMARY FOR STEVEN J. ECHENIQUE

Professional Association

CFA Institute

Membership Number

6846353